

FILED
4/29/2019 9:54 AM
ERIN CARTWRIGHT WEINSTEIN
Clerk of the Circuit Court
Lake County, Illinois

**IN THE CIRCUIT COURT FOR THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

ALEXANDRA SOPOCY, as
Independent Administrator of the
Estate of DANIEL SOPOCY,
Deceased,

Plaintiff,

v.

BEACHBODY, LLC, a corporation
Defendant.

Case No: 19L 00000300

PLAINTIFF DEMANDS JURY TRIAL

COMPLAINT AT LAW

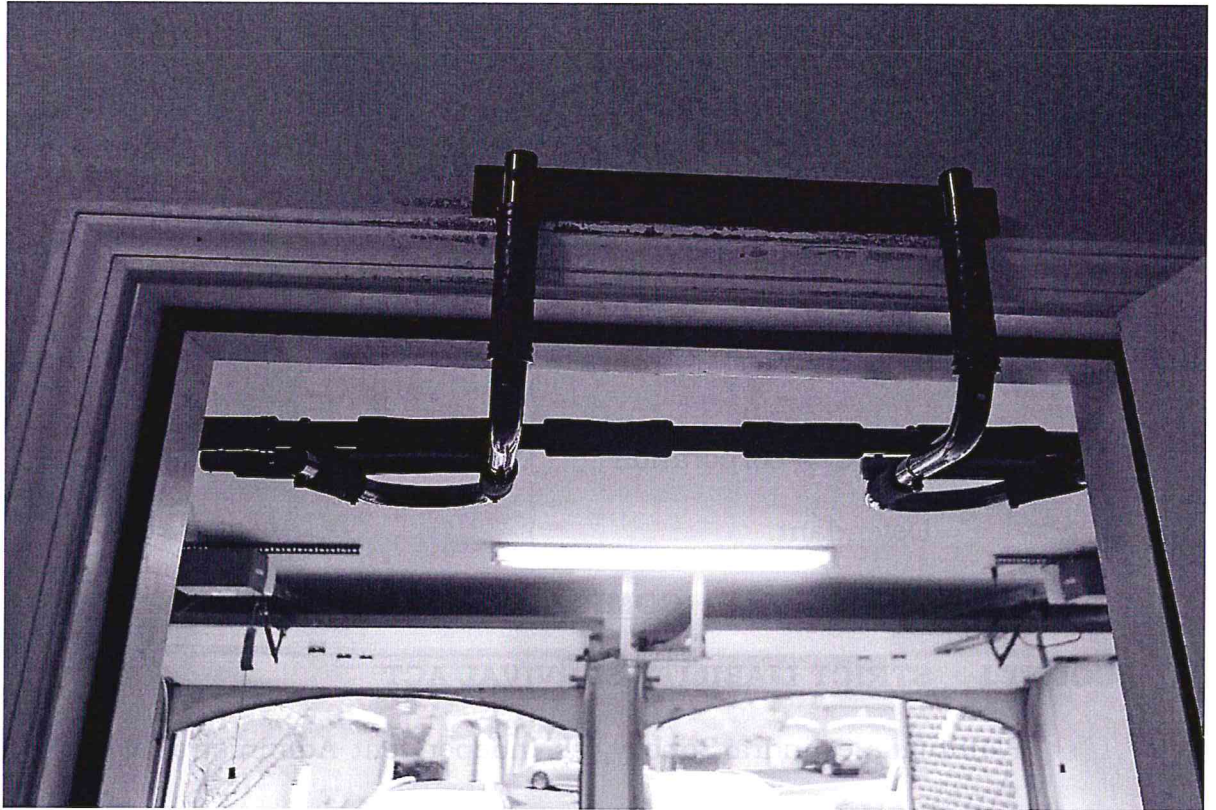
COUNT I STRICT LIABILITY-SURVIVAL ACT

Plaintiff, Alexandra Sopocy, as Independent Administrator of the Estate of Daniel Sopocy, hereby complains of defendant Beachbody LLC ("Beachbody") as follows:

1. Alexandra Sopocy was issued letters of office by the Nineteenth Judicial Circuit as the Independent Administrator Executor for the Estate of Daniel Sopocy on 10/18/18.
2. Daniel Sopocy, then residing in Lake County, IL, purchased a P90X Chin-Up Bar from Beachbody on or about April 17, 2010.
3. The P90X Chin-Up Bar is designed to suspend over a door molding to stay securely mounted like the way shown in this photo.

NOTICE
PURSUANT TO LCR - 2-2.14
THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT CONFERENCE
IN COURTROOM _____ ON _____
AT _____ A.M./P.M.
FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR
AN ORDER OF DEFAULT BEING ENTERED.

EXHIBIT A



4. Defendant designed, manufactured, distributed, marketed and sold the P90X Chin-Up Bar that Daniel Sopocy was using on 8/12/18.

5. On 8/12/2018, Daniel Sopocy was using the P90X Chin-Up Bar at his home in Deer Park, Illinois in a reasonably foreseeable manner when the chin-up bar dismounted from the door molding, causing Daniel to fall and strike his head on the garage floor.

6. Daniel died on 9/3/18 as a proximate result of the event described in ¶5.

7. At the time the chin-up bar left the control of defendant and at the time of the occurrence, it was in an unreasonably dangerous condition for one or more of the following reasons:

- a. It did not have sufficient strength to prevent it from disengaging from its position over the door molding during foreseeable use; or
- b. Its design did not include safety features or characteristics to prevent it from disengaging from its position over the door molding during foreseeable use; or
- c. It did not sufficient warnings or instructions to prevent it from disengaging from its position over the door molding during foreseeable use.

8. As a proximate result of the unreasonably dangerous condition of the chin-up bar, Daniel Sopocy suffered injuries of a personal and pecuniary nature for which his estate claims damages pursuant to the Illinois Survival Act.

WHEREFORE, plaintiff Alexandra Sopocy as Independent Administrator for the Estate of Daniel Sopocy demands judgment against defendant Beachbody for a sum of money in excess of the jurisdictional minimums of this court.

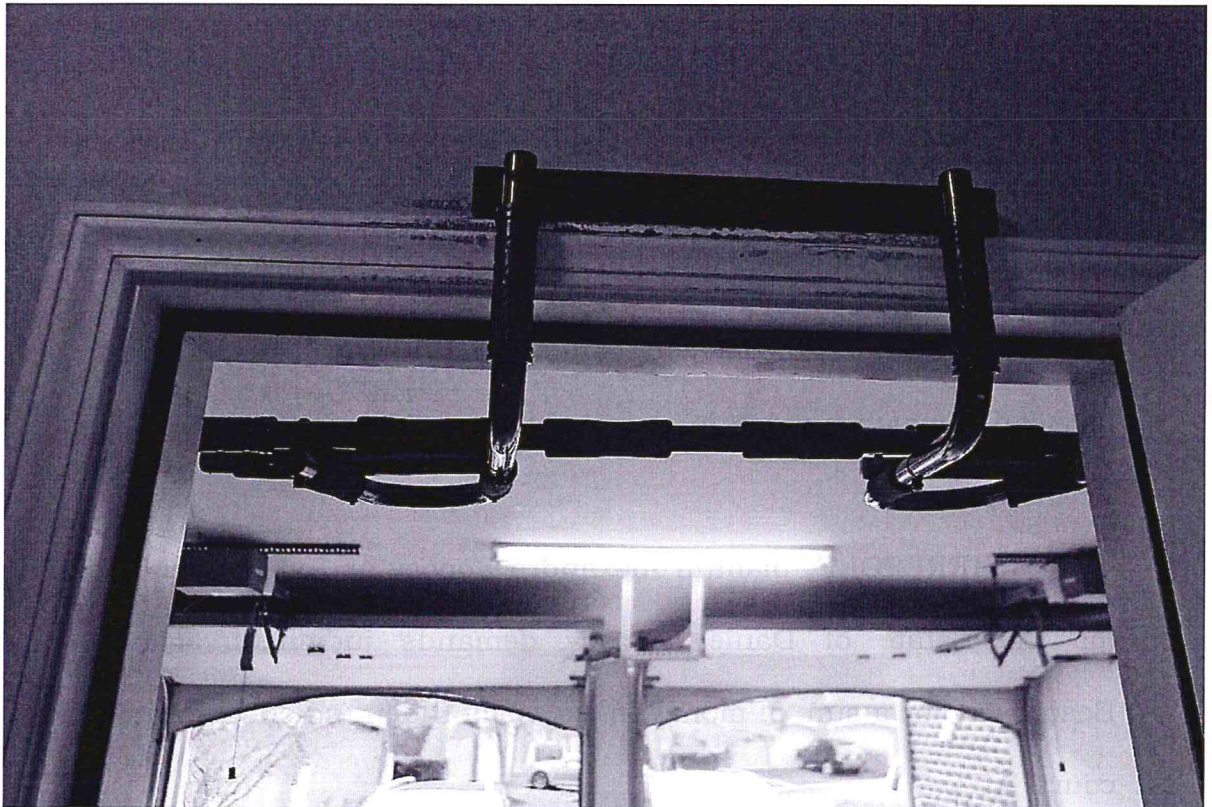
COUNT II STRICT LIABILITY – WRONGFUL DEATH

Plaintiff, Alexandra Sopocy, as Independent Administrator of the Estate of Daniel Sopocy, hereby complains of defendant Beachbody LLC (“Beachbody”) as follows:

1. Alexandra Sopocy was issued letters of office by the Nineteenth Judicial Circuit as the Independent Administrator Executor for the Estate of Daniel Sopocy on 10/18/18.

2. Daniel Sopocy, then residing in Lake County, IL, purchased a P90X Chin-Up Bar from Beachbody on or about April 17, 2010.

3. The P90X Chin-Up Bar is designed to suspend over a door jam to stay securely mounted like the way shown in this photo.



4. Defendant designed, manufactured, distributed and sold the P90X Chin-Up Bar that Daniel Sopocy was using on 8/12/18.

5. On 8/12/2018, Daniel Sopocy was using the P90X Chin-Up Bar at his home in Deer Park, Illinois in a reasonably foreseeable manner when the chin-up bar dismounted from the door molding, causing Daniel to fall and strike his head on the garage floor.

6. Daniel died on 9/3/18 as a proximate result of the event described in ¶5.

7. At the time the chin-up bar left the control of defendant and at the time of the occurrence, it was in an unreasonably dangerous condition for one or more of the following reasons:

- a. It did not have sufficient strength to prevent it from disengaging from its position over the door molding during foreseeable use; or
- b. Its design did not include safety features or characteristics to prevent it from disengaging from its position over the door molding during foreseeable use; or
- c. It did not sufficient warnings or instructions to prevent it from disengaging from its position over the door molding during foreseeable use.

8. As a proximate result of the unreasonably dangerous condition of the chin-up bar, his next of kin, Alexandra Sopocy, Calvin Sopocy, and Brett Sopocy, Daniel's adult children, have suffered pecuniary damages, including grief and sorrow, loss of support, and loss of society for which his estate brings this claim pursuant to the Illinois Wrongful Death Act.

WHEREFORE, plaintiff Alexandra Sopocy as Independent Administrator for the Estate of Daniel Sopocy demands judgment against defendants for a sum of money in excess of the jurisdictional minimums of this court.

Respectfully submitted,

Bruce R. Pfaff

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AFFIDAVIT PURSUANT TO ILLINOIS SUPREME COURT RULE 222(b)

I, Bruce R. Pfaff, declare under penalty of perjury as follows:

I am one of the attorneys representing plaintiffs in this case.

The total of money damages sought in this case does exceed \$50,000.00.

Further affiant sayeth not.

s/ Bruce R. Pfaff

SUBSCRIBED AND SWORN to before
me this 25th day of April 2019.

Mayen Sult
NOTARY PUBLIC

